



The Legal Authority of Equalis Group Lead Agencies

Who is Equalis Group?

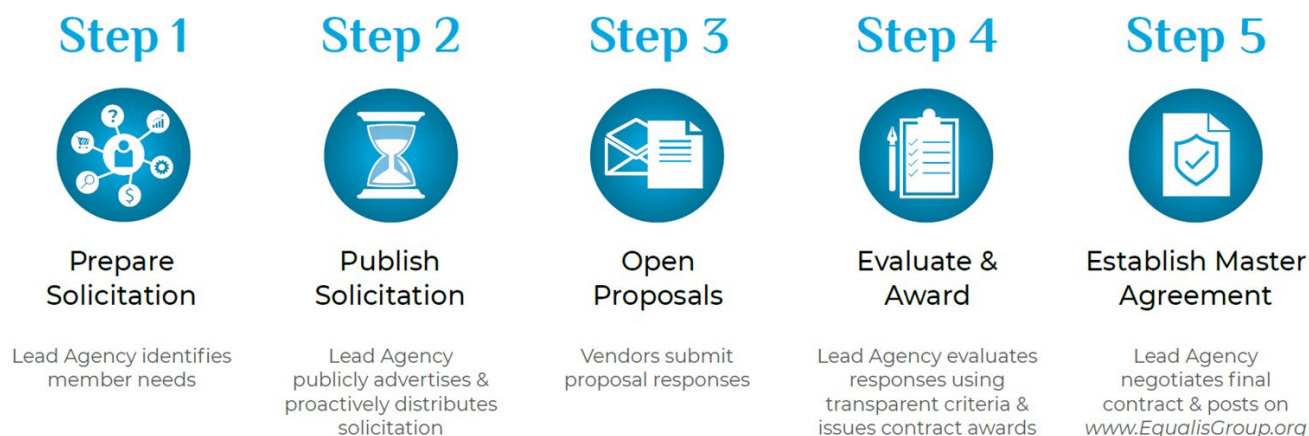
[Equalis Group](#) is a Member-Driven, Supplier-Centric cooperative purchasing organization that embodies the power of partnership. Equalis Group operates with the guiding principle that when the objectives of buyers and sellers are aligned, sustainable value is created, transcending that of the typical short-term transactional relationship. Equalis Group partners with Lead Agencies to conduct rigorous and transparent competitive public sector procurement processes for critical products and services. Winning suppliers, distributors, and/or manufacturers are selected based on both qualitative criteria and pricing. The Lead Agencies then establish compliant already-procured Master Agreements with these winning vendors that feature better pricing and improved contract terms and conditions. These Master Agreements are available to public agencies nationwide who [join](#) Equalis Group.

What is an Equalis Group Lead Agency?

Equalis Group Lead Agencies are public sector entities (e.g., state agencies, municipalities, counties, school districts, public colleges and universities, councils of governments, or special districts) lawfully established and operating under the applicable statutes of their respective states. They are authorized by state statutes to conduct public sector procurement processes, award and enter into Master Agreements with winning suppliers under applicable procurement guidelines, and make those Master Agreements available to public agencies nationwide through Equalis Group.

What is the Typical Equalis Group Lead Agency Competitive Solicitation Process?

Lead Agencies conduct competitive solicitations, typically through Requests for Proposals, in accordance with the state statutes that govern their public sector procurement processes. Each solicitation is posted online and advertised nationwide in USA Today and numerous local newspapers across the country. Solicitations include rigorous compliance conditions, such as: [2 CFR Part 200](#) (or "**Uniform Guidance**") requirements; [Davis-Bacon Act](#) requirements; mandatory certifications; certain state-specific requirements; lobbying prohibitions; and equal employment opportunity and affirmative action requirements.



Where Can You Access the Lead Agency Solicitation & Master Agreement Documentation?

Solicitation and Master Agreement documentation is published for each awarded contract on the [Contracts](#) page of the Equalis Group website. This downloadable documentation is publicly available, no user name or password required, without a public records request and typically includes: the solicitation package, proof of publication, awarded supplier proposal, bid tabulation, award letter, and executed Master Agreement. Equalis Group also provides a downloadable contract confirmation letter with the solicitation number, publication date, and Master Agreement effective, expiration, and renewable through dates.



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Legal Authority: Gwinnett County Public Schools An Equalis Group Lead Agency

Under what Legal Authority is Gwinnett County Public Schools Established?

[Gwinnett County Public Schools \(GCPS\)](#) is the county school district for Gwinnett County, Georgia. Under the Official Code of Georgia Annotated (**O.C.G.A.**) [§ 20-2-50](#), each county constitutes a single school district governed by a county board of education:

Official Code of Georgia Annotated

Title 20 - Education (§§ 20-1-1 – 20-18-7)

Chapter 2 - Elementary and Secondary Education (§§ 20-2-1 – 20-2-2140)

Article 3 - Local Boards of Education (§§ 20-2-49 – 20-2-75)

O.C.G.A § 20-2-50 - County school districts; county board for each county

Each county of this state, exclusive of any independent school system in existence in a county, shall compose one school district and shall be confined to the control and management of a county board of education, except to the extent that area school systems are created pursuant to [Article VIII, Section V, Paragraph I](#) of the Constitution of Georgia.

What Legal Authority Authorizes GCPS to Procure & Establish Contracts?

[O.C.G.A § 20-2-520 \(a\)](#) empowers local boards of education to obtain goods and services and to make all arrangements necessary to the efficient operation of the schools:

Official Code of Georgia Annotated

Title 20 - Education (§§ 20-1-1 – 20-18-7)

Chapter 2 - Elementary and Secondary Education (§§ 20-2-1 – 20-2-2140)

Article 11 - Public School Property and Facilities (§§ 20-2-520 – 20-2-550)

Part 1 - Powers of Local Boards (§§ 20-2-520 – 20-2-522)

O.C.G.A § 20-2-520 - Acquiring and disposing of school sites; building, repairing, renting, and furnishing schoolhouses

- (a)** *The county boards of education shall have the power to purchase, lease, or rent school sites; build, repair, or rent schoolhouses; purchase maps, globes, and school furniture; and make all arrangements necessary to the efficient operation of the schools...*

The legal authority of Georgia county school districts to enter into multi-year contracts for the acquisition of goods, materials, real and personal property, services, and supplies is defined in [O.C.G.A. § 20-2-506 \(b\)](#).

Official Code of Georgia Annotated

Title 20 - Education (§§ 20-1-1 – 20-18-7)

Chapter 2 - Elementary and Secondary Education (§§ 20-2-1 – 20-2-2140)

Article 10 - Contracts and Purchases by Public Schools (§§ 20-2-500 – 20-2-506)

O.C.G.A § 20-2-506 - Authority to enter into multi-year lease, purchase, or lease purchase contracts

- (b)** *Except as otherwise provided in this [Code section](#), each county, independent, or area school system in this state shall be authorized to enter into multiyear lease, purchase,*



or lease purchase contracts of all kinds for the acquisition of goods, materials, real and personal property, services, and supplies...

The GCPS [Purchasing Policy](#) defines the GCPS guidelines for the acquisition of supplies, materials, equipment, and services, and lease of equipment or services:

Purchasing Policy – Introduction

The Gwinnett County Board of Education through its agent, the Superintendent or designee, shall purchase or contract to purchase supplies, materials, equipment, and services, and lease equipment or services. The Superintendent or designee shall enter into contracts for building construction, modification or rehabilitation of system facilities, School Food Nutrition requirements and other items that may be required for the efficient operation of the school system. All purchases shall be in accordance with the policies established by the Gwinnett County Board of Education, the Rules of the State Board of Education and the laws of the State of Georgia.

The GCPS [Purchasing Procedure](#) defines the procedures, purchasing regulations, and selection criteria GCPS follows in procuring materials, supplies, equipment, or services and goods, as well as construction projects, maintenance, repair, and daily operation of the school system:

Purchasing Procedure – Purchasing Regulations

Purchases of all equipment, materials, supplies, services, rents and leases shall be based on sound business practices. Digital Bids, Request for Proposals, Oral Phone Quotes, State of Georgia Contracts, General Services Administration Contracts, Georgia Department of Education Regional Cooperative Educational Service Agency Contracts, recognized public oriented Purchasing Cooperative or Consortium and applicable bids by local County Government Agencies (county governments & school districts) shall be used when appropriate to purchase goods and services. Requests for Proposals may be used when the use of competitive sealed bidding is either not practicable or not advantageous to the School System. Generally, a Request for Proposal will be used when Gwinnett County Public Schools (GCPS) lacks expertise in formulating detailed specifications for the product or service needed or when the service being purchased does not lend itself to a set of specific specifications.

What Legal Authority Authorizes GCPS to Make its Contracts Available to Other Public Agencies?

[Article IX, Section III](#) of the Georgia Constitution establishes the legal authority of Georgia school districts in Georgia to contract for up to 50 years with each other or with any other public agency in Georgia or outside Georgia for joint services, such as procurement and contracting, provided each party is otherwise authorized by law to undertake the activity.

Georgia Constitution

Article IX. Counties and Municipal Corporations

Section III. Intergovernmental Relations

Paragraph I. Intergovernmental contracts.

- (a)** *The state, or any institution, department, or other agency thereof, and any county, municipality, school district, or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal*



with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide. By way of specific instance and not limitation, a mutual undertaking by a local government entity to borrow and an undertaking by the state or a state authority to lend funds from and to one another for water or sewerage facilities or systems or for regional or multijurisdictional solid waste recycling or solid waste facilities or systems pursuant to law shall be a provision for services and an activity within the meaning of this Paragraph.

In Summary

GCPS is a county school district established and operating under Georgia law. It is legally empowered to enter into cooperative purchasing agreements and make those cooperative purchasing agreements available to any other public agency, whether in Georgia or other states. As an Equalis Group Lead Agency, GCPS makes these already-procured contracts available to members of Equalis Group. Public agencies across the country can [join](#) Equalis Group by executing Equalis Group's Master Intergovernmental Cooperative Purchasing Agreement, an interlocal agreement between Equalis Group Lead Agencies and public sector entities that join Equalis Group as members.

Public agencies within and outside of Georgia are eligible to join Equalis Group and utilize GCPS' competitively procured contracts to the extent permitted by law in Georgia and those other states. It is the responsibility of each entity to determine whether it may join Equalis Group and utilize the already-procured, competitively solicited contracts made available by Equalis Group Lead Agencies like GCPS.

Legal Disclaimer

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Equalis Group encourages political subdivisions, units of local government, state agencies, other public agencies, and supplier partners to have appropriate legal counsel review the applicable articles under State Statutes to determine their eligibility to utilize Equalis Group's competitively solicited contracts.



Legal Authority: Monmouth-Ocean Educational Services Commission: An Equalis Group Lead Agency

Under what Legal Authority is the Monmouth-Ocean Educational Services Commission Established?

The [Monmouth-Ocean Educational Services Commission \(MOESC\)](#) is New Jersey agency organized under [Title 18A](#) of the New Jersey Revised Statutes (NJRS). "Educational Services Commission" is defined in NJRS [Title 18A:6-51](#):

New Jersey Revised Statutes Title 18A - Education

New Jersey Revised Statutes 18A:6-51. Definitions

(a) "Educational Services Commission" means an agency established or to be established in one or more counties for the purpose of carrying on programs of educational research and development and providing to public school districts such educational and administrative services as may be authorized pursuant to rules of the State Board of Education.

MOESC was originally formed in 1979 in accordance with NJRS [Title 18A: 6-52](#):

New Jersey Revised Statutes 18A:6-52. Establishment of commission; petition

Whenever five or more boards of education in any county or in any two or more counties and the commissioner after study and investigation shall deem it advisable to establish a county educational services commission, such boards of education may petition the State Board of Education for permission to establish such a commission. A report shall be attached to such petition setting forth the kind or kinds of educational and administrative services and programs which are deemed to be needed and proposed to be provided, an estimate of the cost of providing such services and programs, a method of financing the expenditures of such commission, including a detailed budget which projects anticipated costs and identifies anticipated sources of revenue until such can be financed under its first regularly adopted budget, and any other data or information deemed pertinent.

The State board, after studying the petition and report, shall determine whether there is a need for such a commission and whether its operation is feasible. If the State board finds that the need exists and further finds that the operation of a commission will be feasible, it shall approve the petition and so notify the petitioning boards of education and the county superintendent or county superintendents of the county or counties, as the case may be, in which such boards of education are located.

What Legal Authority Authorizes MOESC to Procure & Establish Contracts?

MOESC is legally empowered to establish a cooperative pricing system (**Cooperative Pricing System**) to advertise and receive bids to secure pricing for the provision or performance of goods and services to members of the Cooperative Pricing System under NJRS [Title 40A:11-11](#):

New Jersey Revised Statutes Title 40A - Municipalities and Counties

Section 40A:11-11 - Additional matters regarding contracts for the provision and performance of goods and services.

- (1) The governing bodies of two or more contracting units or boards of education or for purposes related to the distribution of electricity, the governing bodies of two or more contracting units providing electrical distribution services pursuant to [R.S.40:62-12](#) through [R.S.40:62-25](#), may by resolution establish a cooperative pricing system as hereinafter provided. Any such resolution shall establish procedures whereby one participating contracting unit in the cooperative pricing system shall be empowered to advertise and receive bids to provide prices for all other participating contracting units in such system for the provision or performance of goods or services; provided, however, that no contract shall be awarded by any participating contracting unit for a price which exceeds any other price available to the participating contracting unit, or for a purchase of goods or services in deviation from the specifications, price or quality set forth by the participating contracting unit.*

MOESC established the Cooperative Pricing System by entering into the [Cooperative Pricing System Agreement](#) with multiple New Jersey school districts pursuant to NJRS [Title 18A-11](#):

**New Jersey Revised Statutes
Title 18A - Education**

Section 18A:18A-11 - Joint purchases by districts, municipalities, counties; authority.

- a. The boards of education of two or more districts may provide jointly by agreement for the provision and performance of goods and services for their respective districts, or one or more boards of education may provide for such provision or performance of goods or services by joint agreement with the governing body of any municipality or county.*

Any joint purchasing agreement between the boards of education of two or more school districts may include, as additional participating bodies, nonpublic schools located within the municipalities that comprise those school districts.

- b. As used in this section, "**nonpublic school**" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964, Pub.L.88-352 ([42 U.S.C. s.2000d](#) et seq.).*

The MOESC Cooperative Pricing System operates in accordance with the Cooperative Purchasing Rules of New Jersey Administrative Code [5:34-7](#).

What Legal Authority Authorizes MOESC to Make its Contracts Available to Other Public Agencies?

[NJRS Title 40A:11-11](#) authorizes one participating contracting unit, such as MOESC, in a Cooperative Pricing System to procure contracts on behalf of all other contracting units participating in the Cooperative Pricing System. Any contracting unit in the country who joins the MOESC Cooperative Pricing System is legally empowered under New Jersey Revised Statutes to purchase products and services through MOESC solicited and awarded contracts. MOESC, as an Equalis Group Lead Agency, makes these already-procured contracts available to members of Equalis Group and MOESC.

**New Jersey Revised Statutes
Title 40A - Municipalities and Counties**

Section 40A:11-11 - Additional matters regarding contracts for the provision and performance of goods and services.

- (2) The governing bodies of two or more contracting units or boards of education or for purposes related to the distribution of electricity, the governing bodies of two or more contracting units providing electrical distribution services pursuant to [R.S.40:62-12](#) through [R.S.40:62-25](#), may by resolution establish a cooperative pricing system as hereinafter provided. Any such resolution shall establish procedures whereby one participating contracting unit in the cooperative pricing system shall be empowered to advertise and receive bids to provide prices for all other participating contracting units in such system for the provision or performance of goods or services; provided, however, that no contract shall be awarded by any participating contracting unit for a price which exceeds any other price available to the participating contracting unit, or for a purchase of goods or services in deviation from the specifications, price or quality set forth by the participating contracting unit.

[NJRS 52 § 34-6.2](#) defines the term “**contracting unit**” in New Jersey and across the country as follows:

New Jersey Statutes

Title 52 - State Government, Departments and Officers

New Jersey Statutes 52 § 34-6.2 - Cooperative purchasing agreements with other states for purchases of goods, services; rules, regulations.

- (3) Notwithstanding any other law to the contrary, any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available. Prior to making purchases or contracting for services, the contracting unit shall determine that the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

For purposes of this paragraph, “**contracting unit**” means any county, municipality, special district, school district, fire district, State college or university, public research university, county college, or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services, and the New Jersey Transit Corporation created pursuant to P.L.1979, c.150 ([C.27:25-1](#) et seq.).



In Summary

Contracting units within and outside New Jersey are eligible to join MOESC and Equalis Group and utilize MOESC's competitively procured contracts to the extent permitted by law in New Jersey and those other states.

Through Equalis Group, MOESC makes its established contracts available to any type of public sector entity, so long as the Master Agreements and the laws governing each entity permit the entity to utilize MOESC's publicly procured, competitively solicited contracts. It is the responsibility of each entity to determine whether it may join MOESC and Equalis Group and utilize the already-procured, competitively solicited contracts made available by MOESC. More information is available at <https://www.moesc.org/>.

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Equalis Group encourages political subdivisions, units of local government, state agencies, other public agencies, and supplier partners to have appropriate legal counsel review the applicable articles under State Statutes to determine their eligibility to utilize Equalis Group's competitively solicited contracts.



Legal Authority: Region 10 Education Service Center An Equalis Group Lead Agency

Under what Legal Authority is Region 10 Education Service Center Established?

[Region 10 Education Service Center](#) (**Region 10**) is a Texas-based Education Service Center established under Texas Education Code (**TEC**) [Section 8.001 \(a\)](#):

Texas Education Code
Title 2. Public Education
Subtitle B. State and Regional Organization and Governance
Chapter 8. Regional Education Service Centers
Subchapter A. General Provisions

Tex. Education Code § 8.001. Establishment.

- (a) *The commissioner shall provide for the establishment and operation of not more than 20 regional education service centers.*

Region 10 is established and operates with the powers and constraints defined under [Texas Education Code Chapter 8](#) and, for purposes of [Texas Government Code Chapter 556](#), is treated as a state agency:

Texas Education Code
Title 2. Public Education
Subtitle B. State and Regional Organization and Governance
Chapter 8. Regional Education Service Centers
Subchapter A. General Provisions

Tex. Education Code § 8.008. Applicability of Certain Laws Relating to Political Activities.

A regional education service center and each center employee is subject to Chapter [556](#), Government Code, and for purposes of that chapter:

- (1) *the center is considered to be a state agency; and*
- (2) *each center employee is considered to be a state employee.*

What Legal Authority Authorizes Region 10 to Procure & Establish Contracts?

Region 10 is authorized to provide services, such as sponsoring a cooperative, conducting solicitations for cooperative agreements, and making cooperative agreements available to its members, through [TEC Section 8.051 \(c\)](#):

Texas Education Code
Title 2. Public Education
Subtitle B. State and Regional Organization and Governance
Chapter 8. Regional Education Service Centers
Subchapter B. Powers and Duties

Tex. Education Code § 8.051. Core Services and Services to Improve Performance.

- (c) *Each regional education service center shall provide services that enable school districts to operate more efficiently and economically.*

Region 10 may offer any service requested by any school district in Texas and may contract with public or private entities, such as awarded suppliers, for services through [TEC Section 8.053](#):

Texas Education Code

Title 2. Public Education

Subtitle B. State and Regional Organization and Governance

Chapter 8. Regional Education Service Centers

Subchapter B. Powers and Duties

Tex. Education Code § 8.053. Additional Services.

In addition to the services provided under Section [8.051](#) and the initiatives implemented under Section [8.052](#), a regional education service center may:

- (1) offer any service requested and purchased by any school district or campus in the state; and
- (2) contract with a public or private entity for services under this subchapter, including the provision of continuing education courses and programs for educators.

What Legal Authority Authorizes Region 10 to Make its Contracts Available to Other Public Agencies?

The legal authority of local governments and state agencies in Texas to enter into interlocal contracts with other local governments and states agencies is defined in [Texas Annotated Statutes Section 791.011, Subchapter B](#) under the Texas Interlocal Cooperation Act:

Texas Government Code

Title 7. Intergovernmental Relations

Chapter 791. Interlocal Cooperation Contracts

Subchapter B. General Interlocal Contracting Authority

Tex. Gov't Code § 791.011. Contracting Authority; Terms.

- (a) A local government may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under [25 U.S.C. Section 479a-1](#), whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with this chapter.
- (b) A party to an interlocal contract may contract with a:
 - (1) state agency, as that term is defined by [Section 771.002](#); or
 - (2) similar agency of another state.
- (j) For the purposes of this subsection, the term "**purchasing cooperative**" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors...



In Summary

Region 10 is a state agency established and operating under Texas law. It is legally empowered to enter into cooperative purchasing agreements and make those cooperative purchasing agreements available to its members and any other public agency, whether in Texas or other states. As an Equalis Group Lead Agency, Region 10 makes these already-procured contracts available to members of Equalis Group. Public agencies across the country can [join](#) Equalis Group by executing Equalis Group's Master Intergovernmental Cooperative Purchasing Agreement, an interlocal agreement between Equalis Group Lead Agencies and public sector entities that join Equalis Group as members.

Public agencies within and outside of Texas are eligible to join Equalis Group and utilize Region 10's competitively procured contracts to the extent permitted by law in Texas and those other states. It is the responsibility of each entity to determine whether it may join Equalis Group and utilize the already-procured, competitively solicited contracts made available by Equalis Group Lead Agencies like Region 10.

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Equalis Group encourages political subdivisions, units of local government, state agencies, other public agencies, and supplier partners to have appropriate legal counsel review the applicable articles under State Statutes to determine their eligibility to utilize Equalis Group's competitively solicited contracts.

Legal Authority: Rockies Procurement Services An Equalis Group Lead Agency

Under what Legal Authority is Rockies Procurement Services Established?

[Rockies Procurement Services](#) (RPS) was formed by a group of nine Colorado public school districts under the authority of Colorado Revised Statutes (CRS) [§ 29-1-203.5](#).

Colorado Revised Statutes

Title 29 - Government - Local - General Provisions (§§ 29-1-101 – 29-3.5-102)

Article 1 - Budget and Services (§§ 29-1-101 – 29-1-1705)

Part 2 - Intergovernmental Relationships (§§ 29-1-201 – 29-1-207)

Colorado Revised Statutes § 29-1-203.5 Separate legal entity establish under section 29-1-203

(1)(a) Any combination of counties, municipalities, special districts, or other political subdivisions of this state that are each authorized to own, operate, finance, or otherwise provide public improvements, functions, services, or facilities may enter into a contract under section [29-1-203](#) to establish a separate legal entity to provide any such public improvements, functions, services, or facilities. In addition, such a separate legal entity may be established as authorized by [sections 32-19-119 \(1\)\(w.5\)](#), [32-22-106 \(1\)\(s.5\)](#), [43-1-106 \(8\)\(q.5\)](#), and [43-4-806 \(6\)\(p.5\)](#). Any separate legal entity established is a political subdivision and public corporation of the state and is separate from the parties to the contract if the contract or an amendment to the contract states that the entity is formed in conformity with the provisions of this section and that the provisions of this section apply to the entity.

What Legal Authority Authorizes RPS to Procure & Establish Contracts?

RPS is a political subdivision and a public corporation of the State of Colorado under Colorado law organized under the guidelines of [§ 29-1-203](#) of the CRS. It is legally empowered to provide any function or service its members are empowered to perform, such as soliciting and entering into cooperative purchasing agreements, and making those cooperative purchasing agreements available to its members.

Colorado Revised Statutes

Title 29 - Government - Local - General Provisions (§§ 29-1-101 – 29-3.5-102)

Article 1 - Budget and Services (§§ 29-1-101 – 29-1-1705)

Part 2 - Intergovernmental Relationships (§§ 29-1-201 – 29-1-207)

Colorado Revised Statutes § 29-1-203 Government may cooperate or contract

(1) Governments may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, the imposition of taxes, or the incurring of debt, only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve. Any such contract providing for the sharing of costs or the imposition of taxes may be entered into for any period, notwithstanding any provision of law limiting the length of any financial contracts or obligations of governments.



What Legal Authority Authorizes RPS to Make its Contracts Available to Other Public Agencies?

RPS procures contracts for the Equalis Group and RPS [Food & Nutrition Program](#) on behalf of its school foodservice authority (SFA) members and follows the requirements set by the USDA food and nutrition service (FNS), consistent with [2 CFR Part 200.318-.327](#). RPS, as an Equalis Group Lead Agency, makes these already-procured contracts available to members of Equalis Group and RPS.

The RPS Articles of Incorporation of Rockies Procurement Services describe RPS' nature and purposes in **ARTICLE III, Section A.1.**:

A.1. *To establish cooperative relationships among its members, and other entities with which it contracts, for the development of efficient and effective purchasing methods and practices in the field of public educational institution nutritional procurement; to encourage maintenance and continuity of ethical standards in buying and selling; to collect and disseminate useful information for its members; to promote the interchange of ideas and experiences within the School Food Authority profession; to promote the study, development and application of improved methods and practices to purchasing and inventory management; to provide education and support for nutrition purchasing; to increase buying power, reduce costs, and improve quality of available products and services; and to maximize procurement efficiencies while maintaining compliance with USDA procurement guidelines.*

The Bylaws of Rockies Procurement Services define the types of entities eligible to join RPS and utilize RPS' publicly procured, competitively solicited contracts in **ARTICLE III MEMBERSHIP, Section 1. Eligibility**:

Section 1. Eligibility. The membership shall consist of agency membership open to any publicly-funded school district within the State of Colorado. Associate membership status shall be open to all publicly funded school districts outside the State of Colorado and to private schools within or outside of Colorado provided they are approved to offer at least one federal meal program to their students.

In Summary

RPS membership is available to any publicly funded school district in the State of Colorado and associate membership is available to any i) publicly funded school district outside the State of Colorado, and ii) privately funded school district within or outside of Colorado that is approved to offer at least one federal meal program to their students.

RPS makes its established contracts available to qualifying school districts that join Equalis Group and RPS. There are no costs, dues, or obligations to [join](#) Equalis Group and RPS or utilize any already procured RPS Food & Nutrition Program contracts. It is the responsibility of each school district under its governing laws to determine whether it may join Equalis Group and RPS and utilize the competitively solicited contracts made available by Equalis Group and RPS or other Equalis Group Lead Agencies.

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Equalis Group encourages political subdivisions, units of local government, state agencies, other public agencies, and supplier partners to have appropriate legal counsel review the applicable articles under State Statutes to determine their eligibility to utilize Equalis Group's competitively solicited contracts.



Legal Authority: The Cooperative Council of Governments An Equalis Group Lead Agency

Under what Legal Authority is The Cooperative Council of Governments Established?

[The Cooperative Council of Governments \(CCOG\)](#) is an Ohio-based Council of Governments organized under the guidelines of [Chapter 167](#) of the Ohio Revised Code (the "ORC"), which states in [§ 167.01](#):

Ohio Revised Code
Title 1 State Government
Chapter 167 Regional Councils of Governments

Ohio Revised Code § 167.01 Regional councils of government.

That governing bodies of any two or more counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may enter into an agreement with each other, or with the governing bodies of any counties, municipal corporations, townships, special districts, school districts or other political subdivisions of any other state to the extent that laws of such other state permit, for establishment of a regional council consisting of such political subdivisions.

CCOG was originally formed by [Cuyahoga County Public Library \(CCPL\)](#), consistently ranked as the #1 public library system serving 500,000 or more constituents, and [Kenston Local Schools \(Kenston\)](#), one of the top-ranked public school districts in the state of Ohio. CCOG is governed by CCPL, Kenston, and the [City of Solon](#), one of the top-ranked cities in the state of Ohio.

CCOG is considered a political subdivision under [ORC § 2744.01\(F\)](#):

Ohio Revised Code
Title 27 Courts-General Provisions-Special Remedies
Chapter 2744 Political Subdivision Tort Liability

Ohio Revised Code § 2744.01 Political subdivision tort liability definitions.

As used in this chapter:

(F) *"Political subdivision" or "subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. "Political subdivision" includes, but is not limited to, a... regional council established by political subdivisions pursuant to [Chapter 167](#) of the Revised Code...*

What Legal Authority Authorizes CCOG to Procure & Establish Contracts?

CCOG is a political subdivision and a unit of local government under Ohio law. It is legally empowered to enter into cooperative purchasing agreements and make those cooperative purchasing agreements available to its members, agencies of local or state governments, the federal government, private persons, companies, and not-for-profit entities as authorized by [ORC § 167.03](#), which includes the following explicit authorities for councils of governments:

Ohio Revised Code
Title 1 State Government
Chapter 167 Regional Councils of Governments

Ohio Revised Code § 167.03 Powers.

- (A)(2)** *Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;*
- (A)(4)** *Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;*

Through this legal authority, CCOG competitively solicits contracts for products and/or services in accordance with applicable public sector procurement guidelines. Further, [ORC § 167.08](#) authorizes CCOG to perform any function, such as procurement and contracting, on behalf of other public agencies who contract with CCOG, such as public agencies that join Equalis Group by entering into the Equalis Group [Master Intergovernmental Cooperative Purchasing Agreement](#) with Equalis Group Lead Agencies, including CCOG:

**Ohio Revised Code
Title 1 State Government
Chapter 167 Regional Councils of Governments**

Ohio Revised Code § 167.08 Contracts for Service.

The appropriate officials, authorities, boards, or bodies of counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may contract with any council established pursuant to sections [167.01](#) to [167.07](#), inclusive, of the Revised Code to receive any service from such council or to provide any service to such council. Such contracts may also authorize the council to perform any function or render any service in behalf of such counties, municipal corporations, townships, special districts, school districts, or other political subdivisions, which such counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may perform or render.

What Legal Authority Authorizes CCOG to Make its Contracts Available to Other Public Agencies?

[ORC § 167.03 \(A\)\(4\)](#) cited above authorizes CCOG to promote cooperative agreements. As an Equalis Group Lead Agency, CCOG makes these already-procured contracts available to members of Equalis Group. CCOG's governing document is CCOG's Code of Regulations, which describes CCOG's purpose in **Section 1.3**:

*The purpose of CCOG is to develop and promote opportunities for public sector entities and organizations exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “**IRS Code**”) to improve their operations, reduce their costs, and increase their efficiencies to augment their capacity to better serve their constituents and customers. Further, CCOG is not organized for profit and will be operated for the exclusive purpose of engaging in charitable, educational, religious, and scientific activities within the meaning of Section 501(c)(3) of the IRS Code of 1986, as amended.*

Section 2.2 of CCOG's Code of Regulations defines the types of entities eligible to utilize CCOG's contracts:

- (a) Public Sector Entities.** ... “**Public Sector Entities**” include, but are not limited to, political subdivisions, municipal corporations, counties, townships, villages, school districts, special districts, public institutions of higher education or training, units of government, state/ regional/territorial agencies, state/regional/territorial governments, federal/national agencies, and federal/national governments, and other entities receiving financial support from tax monies and/or public funds.



- (b) **Other Entities.** Any organization that is exempt from Federal income tax under Section 501(c)(3) of the IRS Code, and any other entity if permitted under the IRS Code and other applicable law...

In Summary

Public sector entities within and outside of Ohio are eligible to join Equalis Group and utilize CCOG's competitively procured contracts to the extent permitted by law in Ohio and those other states.

Through Equalis Group, CCOG makes its established contracts available to any type of entity (public, private, or not-for-profit), so long as the Master Agreements and the laws governing each entity permit the entity to utilize CCOG's publicly procured, competitively solicited contracts. It is the responsibility of each entity to determine whether it may join Equalis Group and utilize the already-procured, competitively solicited contracts made available by Equalis Group Lead Agencies, such as CCOG. More information is available at www.CooperativeCogOhio.gov.

Legal Disclaimer

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